

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

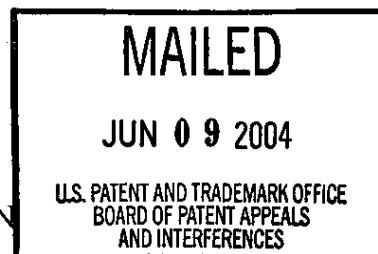
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GURTEJ S. SANDHU and TRUNG T. DOAN

Application No. 09/998,073

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on May 6, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Amendment After Final Rejection on November 26, 2003. There is no indication on the record that the Amendment was considered by the Examiner.

On February 2, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that one of the appropriate headings entitled: Status Of Amendments, is missing from the Examiner's Examiner. See Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., 2001), p. 1200-18-19.

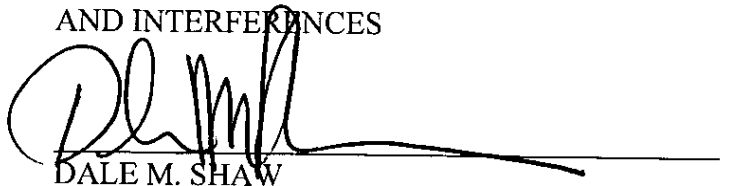
Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) vacating the Examiner Answer mailed February 2, 2002,
- 2) the new Examiner's Answer must include the required reference heading: "Status Of Amendments" and identify the current status of any pending amendments;
- 3) consideration of the amendment filed November 26, 2003;
- 4) written notification of said consideration to appellant; and
- 5) for such further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
PROGRAM AND RESOURCE ADMINISTRATOR
(703)308-9797

DMS/dpv
RA04-0577

Application No. 09/998,073

Killworth, Gottman, Hagan
& Schaeff, L.L.P.
One Dayton Centre; Ste 500
Dayton, OH